IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

Sh. Ram Niwas Sharma **Vs.** Union of India & Ors.

S.B. Civil Writ Petition No. 4499/2007

Date of order :: July 20, 2007

PRESENT
HON'BLE DR. JUSTICE VINEET KOTHARI

Mr. Naresh Gupta for the petitioner
Mr. R.B. Mathur for the respondents

BY THE COURT:

This writ petition is disposed of in the light of and in terms of the judgment of this Court in the connected Writ Petition No. 4493/2007, *Sh. Jagdish Sharma Vs. Union of India & Ors.* decided on 20.07.2007, in the following terms :-

Respondents are directed to release the FDR of Rs. 40,00,000/- from the attachment, provided the petitioner first submits an undertaking and immediately upon release of the FDR

pays the 50% of the disputed demand, i.e. Rs. 24,47,900/- as directed by CIT in his order dated 16.05.2007 within a week of the release of the FDR, subject to decision of his appeal by the learned CIT (Appeals) and also furnishes a solvent security in the form of bank guarantee to the extent of the remaining amount of 50% to safeguard the interest of the Revenue. The provisional attachment orders of FDR dated 19.01.2006 and 17.04.2007 (Annex.1 & 15) are quashed and it is directed that the FDR in question may be released within a period of 15 days from today. It is expected that the appeal pending before the learned CIT (Appeals) would be expeditiously decided within a period of three months from today.

With these observations, this writ petition is disposed of with no order as to costs.

(Dr.VINEET KOTHARI),J.

Pramod
Item No. 17